

CRIMINAL DOCKET U.S. District Court

Assigned

1708

PO

93

05

Misd.

Felony

X

District

WRIT

JUVENILE

ALIAS

U.S.

VS.

ALLEN, DAVID CURTIS

a/k/a Boo Rock, A/K/A Boo Boo

Drug Violation

Case Filed

Mo.

Day

Yr.

11

29

93

Docket No.

Def.

155

04

U.S. MAG.

CASE NO

10

I. CHARGES

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

21§846

Conspiracy to possess with intent to distribute cocaine base

Count 1

21§841(a)(1)

Attempt to possess with intent to distribute in excess of fifty (50) grams of cocaine base (crack)

Aiding and abetting

Count 4

18§924(c)

Use of a firearm during a drug trafficking crime

Counts 6 & 7

21§841(a)(1)

Possession with intent to distribute and Distribution of cocaine base (crack)

Count 9

18§922(g)(1)

Felon in possession of a firearm

Count 12

II. KEY DATE

INTERVAL ONE

KEY DATE

11-29-93

APPLICABLE

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

KEY DATE

5/25/94

APPLICABLE

END INTERVAL TWO

KEY DATE

APPLICABLE

III. MAGISTRATE

DATE

INITIAL/NO.

INITIAL APPEARANCE DATE

PRELIMINARY EXAMINATION

REMOVAL HEARING

WAIVED

NOT WAIVED

INTERVENING INDICTMENT

OUTCOME

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

MORRISON, HAYES, HAYES, WILLIAMS, MORRISON, BRODIE, TERRY, RAGLAND, DAVIS

U.S. Attorney or Asst.

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

Det. Hrg. set for 5/31/94

Custody

70days up: 8/3/94

FPD to provide counsel

Douglas W. Corkhill

P. O. Box 390

Raleigh, NC 27602

919/828-6300

1/99 JW Hernandez-Cuebas

FINE AND RESTITUTION PAYMENTS

DATE

RECEIPT NUMBER

C.D. NUMBER

DATE

RECEIPT NUMBER

C.D. NUMBER

APPEALS FEE PAYMENTS

DATE

RECEIPT NUMBER

C.D. NUMBER

Case 5:93-cr-00155-BO Document 15 Filed 11/29/93 Page 1 of 4

DATE DOCUMENT NO	Yr	Docket No.	Def	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE OF	VI EXCLUDABLE DELAY		
						Start Date End Date	Ltr Code	Total Days
				(OPTIONAL) Show last names of defendants				
				V. PROCEEDINGS				
11-22-93				1. MOTION TO SEAL INDICTMENT request for warrant to be issued				
11-23-93				2. ORDER ALLOWING LIMITED DISCLOSURE - Mag. Judge Denson. WARRANT ISSUED - original and 1 copy to U.S. Marshal. No indictment attached.				
11-29-93				3. ORDER TO SEAL INDICTMENT - Mag. Judge Denson. 4. MOTION TO UNSEAL INDICTMENT 5. ORDER TO UNSEAL INDICTMENT 6. INDICTMENT FILED - 1c U.S. Atty., 1c U.S. Marshal, Probaiton, Pre-Trial Services, Judge Boyle and Mag. Judge Denson.				
5/25/94				-- Initial Appearance - Jude Denson - raleigh - REcorded - Oral Motion for Det. - Oral motion for counsel - Adv. of charges - CJA 23 completed 7. ORDER - appoingting FPD (Denson, M/J) - 1c: USA,PTS,FPD 8. ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORMA CT - det. hr. set for 5/31/94 at 11:30 in Raleigh before Judge Denson - 1c: Judge Denson, USA, PTS, USM, fPD				
5/27/94				-- PRe-Trial Sch. Order to Judge Denson	sr			
5-27-94				MARSHAL'S RETURN ON WARRANT FOR ARREST - executed 5-24-94 by: Richard Wilburn - DUSM	sr			
5-27-94				9. ORDER ON PRE-TRIAL SCHEDULING - Discovery by: 6-14-94 MOTIONS: 6-28-94 RESPONSES: within (10) business days from date of service of motions (Judge Denson) Cys: USA, J. Boyle & counsel	jm			
5/31/94				-- DETENTION HEARING in Ral before USMJ Denson - Recorded - Deft w/counsel - Govt present evidence thru sworn testimony - Deft is detained	jm			
6/1/94				10 ORDER OF PRETRIAL DETENTION - the deft has not rebutted the presumptions and accordingly HE IS ORDERED DETAINED pending trial (Denson) - 1c: USA, PTS, USM, counsel vp	vp			
6-3-94				11. NOTICE O APPEARANCE - Douglas W. Corkhill, P. O. Box 390, Raleigh, NC - Cys: USA, USPO, USM, J. Boyle & J. Denson	jm			
6-3-94				12. REQUEST FOR DISCOVERY - filed by deft. 1c: Judge Denson	jm			
6-14-94				13 MOTION TO REMOVE PRISONERS by USA w/ cs c: Judge Denson	cm			
6-14-94				14 ORDER Allowing Removal of deft from USMS custody (Judge Denson) CR OB #57, p. 25 c: USA	cm			
6-14-94				15 MOTION TO REMOVE PRISONER by USA w/ cs c: Judge Denson	cm			
6-14-94				16 ORDER allowing removal of deft from USMS custody (Judge Denson) CR OB #57, p. 26 c:USA	cm			
6-16-94				AT NEW BERN BEFORE JUDGE BOYLE (C.R. James Palmer) Deft. sworn - deft competent Rule 11 conducted Memorandum of Plea Agreement Filed Plea of Guilty to Ct. 1 Govt summarized evidence Plea freely & vol. ent. Factual basis exists Court accepts plea Cts. 4,6,7,9, 12 to be dismissed at sent. Sent: 9/6/94 Bond: Deft. remanded	cm			

LETTER CODES

For identifying periods of excludable delay per 18 USC 3161 (h) (Sections in brackets)

A Exam or hearing for mental/physical incapacity (18 USC 424) [(1) (A)]

B NARA exam (18 USC 2902) [(1) (B)]

C State/Fed. proceedings on other charges [(1) (D)]

D Interlocutory appeal [(1) (E)]

E Pretrial motion from filing to hearing or to other prompt disposition [(1) (F)]

F Transfer from other district per FRCP 20.21 or 40 or Mag. Rule 6a [(1) (G)]

G Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1) (J)]

H Misc. proceedings: arraignment, parole/probation, revocation, Deportation, extradition [(1)]

I Deferral of prosecution (per 28 USC 2902) [(1) (C)]

J Transportation from another district or to/from examination or hospitalization in 10 days or [(1) (H)]

K Consideration of Court of appeals plea agreement

L Prosecution deferred by mutual agreement [(2)]

M Unavailability of defendant or essential witness [(3) (A, B)]

N Period of mental/physical incompetence of def. to stand trial [(4)]

O Period of NARA commitment/treatment [(5)]

P Superseding indictment and/or new charges [(6)]

R Def. awaiting trial of co-defendant & no severance has been granted [(7)]

T Continuances granted per (h) (8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance [(8) (A, B)]

T1 Failure to continue would stop further proceedings or result in miscarriage of justice [(8) (B, iii)]

T2 Case unusual or complex [(8) (B, ii)]

T3 Indictment arrest can't be in 30 days [(8) (B, i)]

T4 Continuance granted to obtain or substitute counsel, or give reasonable time to prepare [(8) (B, iv)]

U Time up to withdrawal guilty plea, 3161(i)

W Grand Jury indictment time extended 30 more days, 3161 (b)

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs ALLEN, DAVID CURTIS

AO 256A

00155 004
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8/1/94 18	MOTION TO REMOVE PRISONERS - by govt. w/cs lcc: Judge Denson. fs				
8/1/94 19	ORDER - the USM service allow DEA agents and other law officers remove def't's from custody of USM and return to the custody of USM for safekeeping overnight, unless other arrangements have been permitted by the Court (Judge Denson) CR OB# 57, p. 173 lcc: USA, USM, Judge Boyle. fs				
8/17/94 20	MOTION TO REMOVE PRISONERS - by govt. lcc: Judge Denson fs				
8/22/94 21	ORDER - the court Orders the USM, DEA agents, federal agents of PDTF, and other law enforcement officers to remove def't. from custody of USM for debriefings and or court appearances - further Ordered the federal agent contact the USM in advance to make arrangements for removal each time prisoner is removed, and inform USM of precise location, estimated length of time, and any change in location - agents are ORDERED to employ all physical security restraints - ORDERED to return prisoner to the custody of USM for safekeeping overnight, unless other arrangements have specifically been permitted by the Court. (Judge Denson) CR OB#58, p. 53 fs				
8/28/94	ISSUED NOTICE TO APPEAR for Sentencing on Tuesday, Sept. 6, 1994 at 2:00pm in Elizabeth City Before Judge Boyle. lcc: USA, Counsel, Judge Boyle, USM, USPO. fs				
11/17/94	ISSUED NOTICE TO APPEAR FOR SENTENCING - before J. Boyle at Raleigh on 11/28/94 at 10 am; cys: USA, cns1, PTS, USPO, USM and Judge Boyle b11				
11/18/94 22	GOVT'S. MOTION TO CONTINUE SENTENCINGS - w/cs; cy to Judge Boyle b11				
11/29/94 23	JUDGMENT AND COMMITMENT - Raleigh/BOYLE/C.R. Jo Bush BOP - 96 months Sup. Release w/ spec. conds. Govt's. motion for downward departure allowed. No fine or restitution Statement of Reasons (BOYLE) OB# 1 , p. 62 ; cys: USA, USM, USPO, PTS, Judge Boyle, FINE CNtr, Fin. Dpty and cns1 of record (ENT. 12/29/94) b11				
11/17/95	MOTION FOR CONSIDERATION OF DEPARTURE - by govt; cy: J. Boyle b11				
12/15/95	ISSUED NOTICE TO APPEAR FOR RULE 35 HEARING - set for 1/22/96 10 am at Raleigh before j. Boyle; cys dist. b11				
1/4/96	ISSUED AMENDED NOTICE TO APPEAR FOR RULE 35 HEARING - set for 1/24/96 at 9 am before j. Boyle at Eliz. City; cys dist. b11				
1/22/96	RULE 35 HEARING - before J. Boyle at Eliz. City/C.R. Sandra Graham; Remarks by AUSA, then def't.; Court allow motion; Court reduces sentence to 30 months BOP, all other conditions to remain in force. Written order to follow. b11				
2/2/96	ORDER - that the motion for departure was allowed. Def't's. sentence was reduced to a term of 30 months w/ all other conditions of def't's. original sentence to remain in effect. (BOYLE) OB5, p. 117; cys dist. b11				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11/24/98	ORDER AND PETITION FOR ACTION ON SUPERVISED RELEASE - that the sup. rel. be modified as follows: 1. The deft. shall undergo placement in a community corrections cntr. for a period of 90 days as arranged by the USPO and shall abide by the conditions of that pgm during said placemt. Except as herein modified, the judgmt. shall remain in full force and effect. (BOYLE) OB15, p. 133; cys dist. (ent. 12/3/98) b11				
1/12/99	MOTION FOR REVOCATION - by USPO; cy: J. Boyle b11				
1/12/99	WARRANT ISSUED - cys dist. b11				
1/28/99	ORDER - that the FPD is directed to provide representation in this action. (DIXON) cys dist. b11				
1/28/99	NOTICE set Revoc. Hrg. before J. Boyle in Eliz. City on 2/16/99 at 10am; cys dist. b11				
1/29/99	NOTICE OF APPEARANCE - by J. W. Hernandez-Cuebas; cys dist. b11				
2/2/99	RETURN ON WARRANT - deft. arrested 1/21/99 by USMS b11				
2/16/99	REVOCATION HEARING HELD before J. Boyle/Eliz. City; C.R. Sandra Graham; Deft. cont'd. on sup. rel., add'l. cond: Court placed in halfway house for 120 days and 50 hrs comm. svc; Written Order to follow. b11				
2/22/99	ORDER MODIFYING AND CONTINUING SUPERVISION - it now appears that the ends of justice would best be served by denying the motion for revocation before the court this date and continuing supervision under the original terms and conds. imposed in this case and the following add'l. spec. conds.: 1. The deft. shall perform 50 hrs comm. sve as directed by USPO and if referred for placemt. and monitoring by state of NC, pay the required \$100 fee. 2. Deft. shall undergo placemt. in a comm. corr. cntr for a period of 120 days as arranged by USPO and shall abide by the conds of that pgm. during said placemt. (BOYLE) OB17, p. 27; cys dist. b11				